

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE,

Plaintiff,

v.

PACIFIC BELL TELEPHONE COMPANY,

Defendant.

C.A. No. 2:21-cv-00073 (E.D. Cal.)

[PROPOSED] ORDER

Upon review of non-party Environmental Defense Fund, Inc.’s (“EDF”) Motion to Quash or Limit a subpoena served upon it by Pacific Bell in the captioned matter pending in the United States District Court for the Eastern District of California, and to Transfer said Motion to the District Court from which the subpoena was issued,

IT IS HEREBY ORDERED THAT the Motion be, and it hereby is, **GRANTED** as follows:

1. The Motion [is] [is not] transferred to the United States District Court for the Eastern District of California for resolution by that Court as part of Case No. 2:21-cv-00073 currently pending before that Court.

ALTERNATIVELY

2. The subpoena that is the subject of this Motion is [quashed] [limited] to require that EDF produce only the following: (i) documents showing the actual collection, sampling, testing, or analysis of the submarine cables at issue in the California Lawsuit; (ii) the contracts between EDF and non-party Marine Taxonomic Services, Ltd. and related invoices; and (iii) communications with Below the Blue a small a small, non-profit, community-based organization

that discovered the Lake Tahoe cables more than a decade ago, and whose principal researchers also work for MTS; and specifically excluding (i) communications with the *Wall Street Journal* and other media, (ii) communications with Congressional staff; and (iii) documents and communications concerning EDF's and Mr. Neltner's work on lead, generally. Further, EDF's duty to produce any such documents is limited to documents created between March 1, 2022, and August 23, 2023.

IT IS SO ORDERED

Dated: _____, 2023
Washington, D.C.

United States District Judge

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DATED: November 16, 2023

Respectfully submitted,

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